

App F IX 4

Previous References

ml 10-42-101, 102, 131, 132 - *Universal*
" 11-44-11, 12

1944

ml File No 10-44

Serial Nos 103, 104

Later References

12-10-11

GENERAL AND REVENUE SECRETARIAT

Serial No *Two*

20

Part B for March '45

SUBJECT

Appointment of Mr. S. Sreenivasiah
as Market Superintendent and
Bangalore City Market

The 12th Comm. B' City

L 8739 dated 1.3.45

Rejects proposal

m
27/3

Letter no A.S.C. 1379/42 of 9-11-44 from the ml Comm. Buzi requesting sanction to the apptg of Siemwasiah as the Market Inspector of the Buzi market in the Grading of 100-100 to 150 of the Mr. A. Kilasichara. The Buzi market is a small one. The grading is 100-5-150 as in Mysore.

1) The pay of the Market Inspector has been revised from Rs 70-4-80 to Rs 100-10-150 of the Buzi market. It has also been changed to that of a Buzi Market Inspector. No 2/238 9/ml 10-62-123 of 7-8-44

2) For this place the ml Comm. have recommended the apptg of Mr. Siemwasiah, the present Market Inspector of the Buzi market. The present Market Inspector is Mr. A. Kilasichara. The ml Comm. have also requested to revise the pay of the Buzi Market Inspector to Rs 100-5-150.

4) The pay of such a post in the Buzi market has been revised from Rs 75-5-100 to Rs 100-5-150.

5) The Buzi market is a small one. The grading is 100-5-150.

6) In this communication, the different cases have been mixed up. One of them

relates to the appointment of the
present Market Inspector Mr. S. Srinivasan
as the Market Superintendent
and the other to the revision of the
scale of pay of the Food Analyst
Mr. Kulasekhara Nodhan from Rs 75-5-00
to Rs 100-5-150

7) The pay of the Market Inspector,
Bapulomuri-1st was till recently
Rs 60-4-80. It was revised to
Rs 100-10-150 in accordance
with L 1238-5 / ml 10-43-132 dated 7.8.44
and the designation was also changed

to Market Superintendent. Kind
reference is invited to the notes for circulation
on this subject in the reference column ml 10-43-101, 102 etc.
When the request for changing the
designation of the Market Inspector to that
of Market Superintendent was submitted to the
Govt in the first instance the MLC
expressed in his letter dated 21.2.44
that he was not in favor of the revision in
of paying the post to the present Market
Inspector. This was approved by the
Superintendent. But the MLC persisted. There
upon to revise the scale of pay to change
the designation was approved by the Govt subsequently.

They now want that their previous nominee - Mr S. Srinivasulu - may be appointed as the Market Superintendent in the revised grade of Rs 100-150. This is for order.

8) Mr Kulasekara Mudaliar is the Food Analyst of the Htg in the grade of Rs 75-5-100. His grade pay is proposed to be revised to Rs 100-5-150. This is on the analogy of the revision of the scale of pay of the chemist attached to the Health Office in Mysore city - Htg from Rs 75-5-100 to Rs 100-5-150. This proposal is also for order.

Law Secy for
3/11/44

9) The Comr has not given his opinion. His office may be called in early within 2 days.

as
9-12-44

10) D.O letter please
Should with a draft do letter wrappe. 9/12/44
K/6
9/12
12) J. S. M. at mee
2/11/44

Thus to
not quite
correct
was

13)

To the ml Commr, Pondy
DO NO 5691 D 9-12-44

Calls for his opinion in the matter
Letter no PC 37/44-45 D 14-12-44
from the ml Commr, Pondy stating
that the opinion of ~~the~~ the permanent
ml commr may be taken after his
return from leave etc

He further states that Mr A Kulasekhara
Mudaliar, B Sc, who is now the
~~for~~ away from Pondy is the only
only is the senior most qualified
executive official in DO 100 in Grade
DO 75-5-100 & he has to be preferred
for being appointed to any higher
executive grade in the only that
might fall vacant

(u) sub for orders with reference
to para 9 supra

Ulls
15/12

Lawrence for
15/12/44

15. The present Market Inspector is getting a pay of
about Rs 80/- only in grade Rs 60-4-80 and has passed only
Lower Secondary Examination while Mr Kulasekhara Mudaliar
is getting Rs 100/- in grade Rs 75-5-100 and is a B Sc
The proposal to make the present Inspector the Superintendent
will give him a sudden jump from Rs 80/- in grade 60-4-80

C 1602
691

Continuation Sheet

me

File No
Current No

4605
10

of 44

Page

Send up proposals for verifying
the grade of food-analyst
suitably - 08/17

17/1 - 17/1
21) Draft for - 17/1

22) Send with a draft letter for approval
18/1/11

Law Secy - 18/1/11

23) For Principal

22/1/11
Manager

Howan...

24) The Secy discussed this matter with
me & wanted to be sure that the power
to make appointments of this kind is
vested in Govt, & otherwise, the Municipal
is likely to get in to rights. Please
make clear the respective powers of
(a) the Municipal Commissioner (b)
the Municipal Council (c) Govt
in the matter of appointments, with
refs to the relevant sections of the
Municipalities Act 08/11

25 The powers in regard to the appointments to be made in the City Municipalities, as provided for in the Mysore City Municipality Act, the rules and the standing orders issued thereunder are as follows -

1) Municipal Commissioner - Under section 248 (1) of the Act, it is laid down as follows

"The Municipal Commissioner shall have xxx xxx xxx power, without the sanction of the Municipal Council to appoint, subject to the rules for the time being in force, a fit person to any post under the Municipal Council, ~~his~~ monthly salary of which does not exceed Rs 60/- other than to the post of Health Officer, Engineer, Chief Accountant, Manager or Auditor"

Hence the Municipal Commissioner may make, subject to the rules of recruitment, appointments in the Municipality on a salary of Rs 60/- and below in virtue of the above powers. For purposes of the Mysore Service Regulations, the Municipal Commissioner is also treated as the Head of the Department (vide Appendix O'M & R) and also Government Order No L 224-35/Ml 11-27-117 dated 10-9-1930. He is also empowered temporarily to fill up leave vacancies for a period not exceeding three months of non-gazetted officers whose appointments would otherwise require previous sanction of Government and the arrangement being reported to Government.

2) Bangalore City Municipal Council - As the provisions of the Act stand at present, appointments cannot be made directly by the Municipal Council as they have no power to do so. The powers of the Municipal Council in this behalf are to be regulated by the rules to be framed by them and

approved by the Government under the following sections,
viz , section 49 (b) (ii) and (e) which run as follows --

- (b) (ii) -- Determining the staff of officers and servants to be employed by the municipal council and the respective designations, duties, salaries, fees, and absentee or other allowances of such officers and servants and the powers and duties delegated to them under section 38,
- (e) -- Determining the mode and conditions of appointing, punishing or dismissing any officer or servant, and delegating to officers designated in the rules the power to appoint, fine, reduce, suspend or dismiss any officer or servant

These are again subject to the rules which Government may frame under Section 228 (c) of the Act. So far, the Bangalore City Municipal Council have not framed any rules which would give them the power to make such appointments. As stated above, the Act does not itself give them any enabling power in this behalf. Neither have the Municipal Council acquired the power by virtue of the rules framed by them and approved by the Government. Hence in practice, all appointments above Rs 60/- are submitted to Government for sanction, with the resolution of the Municipal Council.

30 3) The powers of Government - In the absence of definite rules, the Government have been exercising the powers of making the appointments (Ministerial and executive above Rs 60/- in the Municipality) on the recommendation of the Municipal Council. In this connection

kind reference is invited to the following Government Orders

1) L 5347-407/ML 22-26-42 dated 2-2-1927

ii) L. 2224-357/ML 11-27-117 10-9-1930

iii) Para 2 of Government Order No L 3118-36/ML 167-30-2 dated 25-10-1930

iv) L 3337/ML 167-30-2 dated 25-10-1930

It will be seen from the above orders that, in the absence of rules framed by the Municipal Council, the Government have taken over the power of making appointments to the non-gazetted executive and clerical posts in the Municipality

The post of the Market Inspector carries a pay of Rs 100-10-150, as recently revised. This is a non-gazetted executive post. The official now proposed to be appointed by the Government is purely a municipal employee

33 The Government have power to appoint him and to fix his qualifications by special orders of Government

34 Having regard to the above ^{orders and} notification which continue to be in force even after the Act of 1933 came into force, (vide section 2 of the Act), the Government have power to make the appointment in question

Law-secy) for 12/1/45

35 I agree. The only appointments that can be made by the Municipal Commissioners are those referred to in S 248 i.e. those carrying a salary of Rs 600 or less, and the Council can make rules and can have a control by making

rules only over such appointments. It has no statutory power over other appointments.

36) The Bangalore City Council has not even made Rules under §49 regarding the making of such appointments--

37) So all appointments carrying a salary of over Rs 600 - are being made by the Govt. and the resolutions of the Council regarding them are to be considered only as recommendations.

Ans
14-2-45

(Marked P.D. 2)

38) Please see previous notes and my order @ 17/1/45 and my subsequent minute @ 31/1/45. I am quite indifferent whether Kulalekhara Mudaliars appointed as market spot on the Green Bahali street has passed off lower Secondary Exam & he cannot be appointed as market spot on the revised scale of Rs 100-10-150.

Dewan)

MU 19/2/45

OFFICE OF THE DEPUTY COMMISSIONER 21 FEB 1945	5
No. 2800	

Law Secy -
39) PT examine new & report on what points orders have to be done

17/2
45/26

Appointment of Mr Kulasekhara as
4105 Market Inspd
2 11

Continuation Sheet

ml

File No
 Current No

10

of 44

Page

40) A draft for embodying the
 orders on the several points
 referred in para 20 & 38 supra
 - is subd for approval -
 Refer para 39 supra

Lawsey for
 21, 2, 1932

41) Draft G.O. is submitted

(1) approving the Mr Kulasekhara
 Medallion as the Market Inspd

(2) directing fresh appointments
 being made - to the post

- Analysis 26 para

(3) - directing the ^{Inspector} ~~Inspector~~
 of the present Market -
 Inspector to some other

post

42) A separate letter will

be written informing the
 comr that in case the

existing frame of the
 Food Analysis - does not
 attract suitable candidate
 proposals for filling the
 grade may be submitted

Marked R & L

Cus ---
 22-2-35
 for

WD 0726 - G.B. 25000
 Draft letter for 12/2/35

Inform the municipality
 that the present market
 view of the post is not
 cannot be added as Market
 Inspector to some other
 post
 26/2/35

Offr	1	1	1	1	1	1	1	1	1
For	1	1	1	1	1	1	1	1	1
2	1	1	1	1	1	1	1	1	1
No	2871								

Whe
27/2 *Jan*
should write a draft letter for appt

Lawsey *7/2/45*

Whe
27 *2/2/45*

Irone
27/2/45

To the *one* Commr, *PO of the* *POB* 104
MO-R 8739 D-1-3-45

States that the recommendation of the
cfr *one* to appoint Mr. *Srinivasan*
as *Market Enpt.* cannot be approved
in view of his poor educational
qualifications & requests that
revised proposals, if any, in this
behalf may be forwarded

B
27/3

73277/L
BANGALORE CITY MUNICIPALITY

No A5-C 1379/42

MUNICIPAL OFFICES

Encl

Bangalore 9th November 1944

FROM

R Madhavan, Esq, B E,

~~XXXXXX NARAYANASWAMY NAIDU, Esq, B A, B L, XXXXXX~~

MUNICIPAL COMMISSIONER,

BANGALORE CITY

C Narayanaswamy Naidu, Esq, B A, B L,

LEGAL REMEMBRANCER & SECRETARY TO THE GOVERNMENT

OF HIS HIGHNESS THE MAHARAJA OF MYSORE

LAW DEPARTMENT BANGALORE

SIR

I have the honour to state that the Government Order No L 1238-9/11 10-43-132 dated 7-8-1944, sanctioning the change of the designation of the Market Inspector of this Municipality as Market Superintendent and the revision of the scale of pay of the said post from 60-4-80 to Rs 100-10-150 was placed before the Municipal Council on 10-10-1944, along with the application of Mr A Kulasekhara Mudaliar, B Sc Food Analyst on Rs 100/- in grade Rs 75-5-100, praying for being appointed as the Market Superintendent in the revised grade. The Council have resolved that Mr S Sreenivasiah, the Present Market Inspector might be appointed as Market Superintendent on Rs 100-10-150 and that Mr Kulasekhara Mudaliar be given the grade of Rs 100-5-150, as Food Analyst, as in Mysore A. Copy of the said Council resolution is herewith forwarded for favour of obtaining the orders of Government thereto.

I have the honour to be,
Sir,
Your most obedient servant,

R. Madhavan
Municipal Commissioner I/C

forwarded with compliments

C. N. Narayanaswamy Naidu

Ton President

Proceedings of the Bangalore City Municipal
Council Meeting dated 10-10-1944

Addl. subject No 2 -

G O No L 1238-9/M1 10-43-132 dated 7-8-44
sanctioning the Council resolution changing the
designation of the Market Inspector into Market
Superintendent and revising the pay of the post
from 60-4-80 to 100-10-150, Also application of
Mr Fulasekhara Mudaliar B Sc

Mr K M Naganna proposed that the Government
order be recorded and that Mr S Srinivasiah,
the present Market Inspector be made the Market
Superintendent on Rs 100-10-150 and Mr. Kulasekhara
Mudal, the Food Analyst, be given the grade of
Rs 100-5-150, as in Mysore

Mr A J Iqbal seconded it and it was
passed

Sd C N Narasinga Rau,
Honorary President

"Copy

R. M. K. Srinivasiah
Municipal Commissioner I/C

ksm

Page 1 - 10

Minutes of the proceedings of the Adjourned Ordinary meeting of the City Municipal Council, Bangalore, held on Tuesday, the 10th Oct., 1944 at 4 P.M., in the Council Hall of the City Municipal Offices, Bangalore.

PRESENT:

C. N. Narasimha Rau, Esq., B.A., B.L.,
Hon. President.

Messrs.

1. M. V. Veerappa
2. W. H. Panumanthappa
3. Ramalal Thiwari
4. G. Nanjappa
5. C. Chenniah
6. Srinivas Ranga Swamappa.
7. H. B. Shankarappa.
8. D. Venkataramanappa.
9. B. N. Gupta
10. K. N. Ramaswami, B.A.
11. P. Shivashankar B.A., LL.B.

Messrs

12. P. R. Ramesh, B.Sc.
13. T. T. Sharma
14. M. A. Gopalaswamishwar, M.A., B.L.
15. L. F. " Jayanarayana Rao, B.A., B.L.,
16. H. C. Suryanarayana Rao
17. K. L. Fawcett
18. K. Ambrose "anda, B.A., L.T.,
19. A. P. Jayarathuraju
20. Mirimul Parasurull
21. S. Chouse "ohiyudin
22. A. J. Khaleel
23. Mirza " Azim-ulla "ol

Absent:-

Messrs

1. C. R. Ethirajulu "aidu, B.A., B.L.
2. S. Viswamurthy, B.A.
3. P. V. Rameshchandra Gupta

Messrs

4. L. S. Raju, B.A., (Hons), B.L.
5. Mrs. Dwarakabai Cadasmbi.
6. N. Kesava Iyengar, B.A., B.L.

Confidential
Do No. L 5691 D 9-12-44 / 1
Dear Sir,

With reference to your letter
no AS-C 1379/42 D 2-4-44 in regard to the
appt of Mr S Srinivasan as the ~~Market~~
^{of the City New Market}
Superintendent of the revision of the scale of pay of
Mr. A Kulasekhara Mudaliar, Food
Analyst of the City only from Rs 255-100
to Rs 100-5-150, I am desired to request
you to ~~kindly~~ furnish your opinion
~~on the matter~~ above proposals within
two days.

Yours
for

R Madhavan, Esq., D E 9/12/44
Jnl Commr
B E 9/12/44

MR P. S. SURIYANARAYANA SETTI BA LLB
M N OMM S

4105
L

CITY MUNICIPAL OFFICES
BANGALORE

Dated 14-12-44 194

Dear Sir,

With reference to your M.C. letter of L.C. 1/11 dated 9-12-1944 asking my opinion regarding the appointment of Mr. Prasannaiah as the Market Superintendent in the newly sanctioned grade MCO-10-10, I write to state that Mr. A. Kulasekhara Mudaliar who is now the Food Analyst of this office is the senior most qualified executive official in grade MCO-10-10, and he has to be preferred for being appointed to any higher executive grade in the Municipality that might fall vacant.

The Municipal Council in their resolution dated 10-10-44 resolved that the present Market Inspector who is in grade MCO in grade MCO-4-10 may be appointed as Market Superintendent in grade MCO-10-10.

As I am leaving after the duties of the Municipal Commissioner only from a month and a half and as the permanent Municipal Commissioner is expected to return to duty from the 2nd of January 1945, the opinion of the permanent Commissioner may be taken after he returns to duty from leave and orders of Government passed there on.

Yours faithfully,
A. S. L.

Secretary to Government
Law Department
BANGALORE

Yours sincerely

R. S. S. S. S.
14/12/44

2-8739-ME 10-44-104 4105
To the ml Commr, B.C., 1/3/45
this the Doc

Sir,

With reference to your
letter no A.S.C 1379/42 of 9-11-44, I am
directed to state that the recommendation
of the city ml cl to appoint Mr.
Sreenivasan as Market Super on Rs
100-10 150 cannot be approved, in view
of his poor educational qualifications.
I am therefore to request you to
forward revised proposals if any, in
this behalf for the orders of Govt.

I am, Sir,
Yours faithfully

for the

I have etc

W. D. Sanyal
Law Dept